THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21292 of 2006

Dated:28.12.2006

Between
N.Padmavathi

.....Petitioner

and

1.The Joint Collector,
Anantapur, Anantapur District
And others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21292 of 2006

ORDER:

This writ petition is filed seeking a Mandamus to declare the impugned order passed by the 2nd respondent in suspending the authorization of the petitioner *vide* proceedings in Rc.No.D1-CS/1563/2006, dated 16.09.2006 pending consideration of his explanation submitted for the charges made against him, as arbitrary and illegal.

While admitting the writ petition on 13.10.2006, this Court granted interim suspension of the impugned proceedings.

The respondents filed counter and vacate stay petition.

It appears that the petitioner is the fair price shop dealer of shop No.1, Bukkarayasamudram Village and Mandal. While so, a show cause notice

dated 16.09.2006 was issued to the petitioner enumerating certain charges, seeking explanation of the petitioner. On the very same day, the authorization of the petitioner was suspended pending enquiry into the matter.

In the show cause notice issued on 15.9.2006, it was stated that the Deputy Tahsildar, Civil Supplies, Anantapur proceeded to Bukkarayasamudram Village, inspected the fair price shop of the petitioner and found 85 liters of kerosene oil in excess. Therefore, he seized the ground stock available in the fair price shop. After a detailed enquiry and verification of the registers, proceedings under Section 6-A of the Essential Commodities Act have been initiated. Thereafter, the said show cause notice was issued to the petitioner, and on the very same day his authorization was suspended. The suspension of authorization is not a punishment and it is only pending enquiry into the matter. Therefore, it does not call for any interference by this Court.

It is an admitted fact that the petitioner has

availed the effective and alternative remedy of filing a statutory appeal on 23.9.2006 before the 1st respondent-Joint Collector, Anantapur District against the impugned order. Having filed such an appeal, he has filed the present writ petition on various grounds.

In view of the above, I deem it appropriate to direct the 1st respondent-Joint Collector to dispose of the appeal purported to have been filed by the petitioner on 23.09.2006, against the impugned order dated 16.09.2006 passed by the 2nd respondent-Revenue Divisional Officer, Anantapur, suspending his authorization, within a period of six weeks from the date of receipt of a copy of this order. However, the impugned order of suspension shall not be given effect to, during pendency of the appeal.

Writ petition is disposed of accordingly. No costs.

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28-12-2006

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